

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

THE WELLNESS WAY, LLC,

Plaintiff,

v.

Case No. 24-C-497

SYBERRY CORPORATION,

Defendant.

ORDER TO SUPPLEMENT RECORD

This case was removed from Brown County Circuit Court with jurisdiction being asserted under 28 U.S.C. § 1332. Because the citizenship of the LLC plaintiff was not clear from the Notice of Removal, the court issued a Notice of Jurisdictional Defect on April 30, 2024, directing the defendant to file an amended removal notice stating the state of citizenship of each of Plaintiff's members within the next ten days. On May 9, 2024, Defendant filed an Amended Notice of Removal indicating that, on information and belief, none of the defendant's members were citizens of the state of Texas, which was the defendant's state of citizenship. The basis of the defendant's information and belief consisted of an email from counsel for the plaintiff in which counsel stated that he was advised that his "client has many members, dozens and some of those are LLCs, but believes that none of the owners of these LLCs are citizens of Texas as you asked me to confirm." Dkt. 12 at 2.

While that statement is sufficient to form information and belief necessary for the defendants to, in good faith, remove the case, the court concludes that more precise information is necessary for the case to proceed. Accordingly, counsel for the plaintiff is directed to file with the

court, within the next ten days, a declaration or affidavit setting forth the states of citizenship of *each member* of the LLC he represents. In light of the court's obligation to police its jurisdiction, the court concludes that such information is necessary before it proceeds to decide the motions currently pending before the court.

SO ORDERED at Green Bay, Wisconsin this 2nd day of July, 2024.

s/ William C. Griesbach
William C. Griesbach
United States District Judge